

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

JOSE LUIS MEDINA ALVARADO,

Defendant.

No. CR 01-0419 CRB

No. C 08-04557 CRB

ORDER TO SHOW CAUSE

Now pending before the Court is the motion of defendant Jose Luis Medina Alvarado pursuant to 28 U.S.C. § 2255 to vacate his sentence. Medina Alvarado was convicted of narcotics offenses after a jury trial and was sentenced to 210 months imprisonment. He now claims that his trial counsel erroneously advised him that if he went to trial he would be sentenced to 10 years imprisonment. He claims that if he had known he would receive closer to a 20-year sentence he would have pled guilty.

The government is directed to file a response to Medina Alvarado's motion within 45 days of the date of this Order. Medina Alvarado's reply, if any, shall be filed within 45 days of the filing of the government's response.

IT IS SO ORDERED.

Dated: October 16, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE